

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INDIRA BOWEN, Individually, and INDIRA BOWEN,
On behalf of her minor children, RAYLIN
FAIRCLOUGH and MIA BOWEN,

Plaintiffs,

ANSWER

- against-

07 Civ. 6277 (KMK)(LMS)
ECF Case

THE COUNTY OF WESTCHESTER, TOWN OF
GREENBURGH and POLICE OFFICERS JOHN
DOES 1-10, in their Individual and Official Capacities,

Defendants.

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Defendant, Westchester County, by its statutory attorney, Charlene M. Indelicato,
Westchester County Attorney, by Matthew I. Gallagher, Senior Assistant County
Attorney, of Counsel, answers the Complaint as follows:

A. NATURE OF ACTION

1. To the extent the allegations in paragraph 1 of the Complaint characterize the proceeding and/or constitute conclusions of law, Defendant makes no answer and respectfully refers all questions of law to this Honorable Court.

B. PRELIMINARY STATEMENT

2. To the extent the allegations in paragraph 2 of the Complaint characterize the proceeding and/or constitute conclusions of law, Defendant makes no answer and respectfully refers all questions of law to this Honorable Court.

C. JURISDICTION

3. Denies knowledge or information sufficient to form a belief as to the truth and/or accuracy of the allegations in paragraph 3 of the Complaint except admit that more

than thirty days have elapsed since Plaintiffs served their notice of claim and that Defendant has not made any payment to Plaintiffs.

D. VENUE

4. To the extent the allegations in paragraph 4 of the Complaint characterize the proceeding and/or constitute conclusions of law, Defendant makes no answer and respectfully refers all questions of law to this Honorable Court.

5. Denies knowledge or information sufficient to form a belief as to the truth and/or accuracy of the allegations in paragraph 5 of the Complaint. Insofar as the allegations contained therein constitute questions and/or conclusions of law, Defendant makes no answer save to demand strict proof thereof and respectfully refers all this Honorable Court to the cited Exhibit as best evidence of its content, intent, and purport.

6. Denies knowledge or information sufficient to form a belief as to the truth and/or accuracy of the allegations in paragraph 6 of the Complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth and/or accuracy of the allegations in paragraph 7 of the Complaint.

8. Denies knowledge or information sufficient to form a belief as to the truth and/or accuracy of the allegations in paragraph 8 of the Complaint.

9. Denies the allegations in paragraph 9 of the Complaint except admits that Plaintiff is a woman who has been employed by the County of Westchester from 2004 to present.

F. FACTS UNDERLYING CLAIMS FOR RELIEF

10. Denies the allegations in paragraph 10 of the Complaint.

11. Denies the allegations in paragraph 11 of the Complaint.

12. Denies the allegations in paragraph 12 of the Complaint.

13. Denies the allegations in paragraph 13 of the Complaint.

14. Denies the allegations in paragraph 14 of the Complaint.

15. Denies the allegations in paragraph 15 of the Complaint.

16. Denies the allegations in paragraph 16 of the Complaint.

17. Denies the allegations in paragraph 17 of the Complaint.

18. Denies the allegations in paragraph 18 of the Complaint.

19. Denies the allegations in paragraph 19 of the Complaint.

20. Denies the allegations in paragraph 20 of the Complaint.

IN ANSWER TO "COUNT I"

21. With respect to the allegations in paragraph 21 of the Complaint,

Defendant repeats its answers to paragraphs 1 through 20 of the Complaint with the same force and effect as if set forth herein at length.

22. Denies the allegations in paragraph 22 of the Complaint.

23. Denies the allegations in paragraph 23 of the Complaint.

24. Denies the allegations in paragraph 24 of the Complaint.

IN ANSWER TO "COUNT II"

25. With respect to the allegations in paragraph 25 of the Complaint,

Defendant repeats its answers to paragraphs 1 through 24 of the Complaint with the same force and effect as if set forth herein at length.

26. Denies the allegations in paragraph 26 of the Complaint.

27. Denies the allegations in paragraph 27 of the Complaint.

IN ANSWER TO "COUNT III"

28. With respect to the allegations in paragraph 28 of the Complaint, Defendant repeats its answers to paragraphs 1 through 27 of the Complaint with the same force and effect as if set forth herein at length.

29. Denies the allegations in paragraph 29 of the Complaint.

30. Denies the allegations in paragraph 30 of the Complaint.

IN ANSWER TO "COUNT IV"

31. With respect to the allegations in paragraph 31 of the Complaint, Defendant repeats its answers to paragraphs 1 through 30 of the Complaint with the same force and effect as if set forth herein at length.

32. Denies the allegations in paragraph 32 of the Complaint.

33. Denies the allegations in paragraph 33 of the Complaint.

34. Denies the allegations in paragraph 34 of the Complaint.

IN ANSWER TO "COUNT V"

35. With respect to the allegations in paragraph 35 of the Complaint, Defendant repeats its answers to paragraphs 1 through 34 of the Complaint with the same force and effect as if set forth herein at length.

36. Denies the allegations in paragraph 36 of the Complaint.

37. Denies the allegations in paragraph 37 of the Complaint.

IN ANSWER TO "COUNT VI"

38. With respect to the allegations in paragraph 38 of the Complaint, Defendant repeats its answers to paragraphs 1 through 37 of the Complaint with the same force and effect as if set forth herein at length.

39. Denies the allegations in paragraph 39 of the Complaint.

40. Denies the allegations in paragraph 40 of the Complaint.

IN ANSWER TO "COUNT VII"

41. With respect to the allegations in paragraph 41 of the Complaint, Defendant repeats its answers to paragraphs 1 through 40 of the Complaint with the same force and effect as if set forth herein at length.

42. Denies the allegations in paragraph 42 of the Complaint.

43. Denies the allegations in paragraph 43 of the Complaint.

44. Denies the allegations in paragraph 44 of the Complaint.

45. Denies the allegations in paragraph 45 of the Complaint.

46. Denies the allegations in paragraph 46 of the Complaint.

47. Denies the allegations in paragraph 47 of the Complaint.

48. Denies the allegations in paragraph 48 of the Complaint.

IN ANSWER TO "COUNT VIII"

49. With respect to the allegations in paragraph 49 of the Complaint, Defendant repeats its answers to paragraphs 1 through 48 of the Complaint with the same force and effect as if set forth herein at length.

50. Denies the allegations in paragraph 50 of the Complaint.

AS AND FOR A FIRST DEFENSE

51. Plaintiffs fail to state any claim for which relief can be granted.

AS AND FOR A SECOND DEFENSE

52. Certain claims of Plaintiffs are barred by the statute of limitations.

AS AND FOR A THIRD DEFENSE

53. Punitive damages are unavailable against the County of Westchester.

AS AND FOR A FOURTH DEFENSE

54. Plaintiff(s) failed to comply with New York General Municipal Law § 50.

WHEREFORE, Defendant demands judgment dismissing the Complaint together with the costs and disbursements of this action and other fees allowable by law.

Dated: White Plains, New York
October 11, 2007

CHARLENE M. INDELICATO
Westchester County Attorney
Attorneys for Defendant Westchester County

By: 

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